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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/207,130	12/08/98	CONRAD	D RA9-98-053
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LMC1/0824

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EXAMINER

ROBINSON BOYCE, A

ART UNIT

PAPER NUMBER

2765

DATE MAILED: 08/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
09/207,130

Applicant(s)
Conrad, et al.

Examiner
Akiba Robinson-Boyce

Group Art Unit
2765



☒ Responsive to communication(s) filed on Jun 16, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-15 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 6, 7, 8, 9, 12, 13, 14 and 15 are rejected under 35

U.S.C. 103(a) as discussed in paragraph #2, paper #3.

3. Claims 3, 4, 10, and 11 are rejected under 35 U.S.C. 103(a) as discussed in paragraph #3, paper #3

Response to Arguments

4. Applicant's arguments filed 6/16/00 have been fully considered but they are not persuasive.

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As per claim 1, the applicant argues that Barnstijn, et al fails to disclose a system where all testing and development occur on the same system. However, Barnstijn, et al does disclose this feature (See Col. 2, lines 47-50). Here, Barnstijn, et al teaches that both the development and testing is done on the host system.

As per claim 1, 2, 5, 6, 12, 13 and 15, the applicant argues that Ogata, et al fails to disclose an inclusion of point of sales equipment into the scope of the computer emulation for a target computer system and that the drivers of Ogata, et al's invention are those used to control devices used by the target system and not a point-of-sale device. However, in combination with Barnstijn, et al, the feature of making the target system a point-of-sale system is obvious because both Barnstijn, et al and Ogata, et al disclose systems which are geared towards the design and testing of applications to be implemented on a target machine and Barnstijn, et al does disclose that the target system can be a point-of-sales system, (See claim 7).

As per claim 7, the applicant argues that both Barnstijn, et al and Ogata, et al fail to teach the steps of "providing an emulation object corresponding to the device", and "ensuring that the application will utilize the emulation object when the application is executed on the development system". However Ogata, et al does

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disclose this feature (See Col. 5, lines 51-58) and in combination with Barnstijn, et al, this feature is obvious because both Barnstijn, et al and Ogata, et al disclose systems which are geared towards the design and testing of applications to be implemented on a target machine. Here, Ogata, et al discloses that the 'kernel' of the emulation program is loaded upon initialization. Ogata, et al refers to the 'kernel' as a series of procedures within the emulation process that, ultimately determine why initialization took place and actually calls execution modules which actually perform emulation. The applicant discloses on page 10, lines 8-9 of the specification that the emulation objects can be used to emulate the interaction between the application and specialized devices. Because of these two definitions, the examiner has concluded that the 'kernel' of the emulation program and the emulation object both perform the same function: stimulating the emulation process.

As per claims 3, 4, 10 and 11, the applicant argues that Weber does not disclose platform independent emulation objects or specifically JAVA emulation objects representing a physical device. The Weber invention concerns a merchant-operated computer configuring itself to access a production gateway computer and does so by means of testing and development (configuration) and does disclose

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platform independent emulation objects or specifically JAVA emulation objects representing a physical device, (See Col. 7, lines 11-17, Col. 8, lines 37-39). Here Weber discloses that his invention may be implemented on several different platforms, including JAVA, which in turn means that the invention does not rely or depend on one single platform (platform independent). Weber discloses that his invention utilizes object oriented programming and objects which can represent physical objects such as electrical components.

5. Because of the reasons stated above, the examiner has maintained the rejections of claims 1-15.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the

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date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

An inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba Robinson-Boyce whose telephone number is (703) 305-1340. The examiner can normally be reached on Monday-Friday from 6:30 AM-3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Swann, can be reached on (703) 308-7791. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3988.

An inquiry of a general nature or relating to the status of this application proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



ERIC W. STAMBER
PRIMARY EXAMINER